

FILED 10 AUG 3 10:49 USDC-ORN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

QUENTIN TITUS NICHOLIS,
Petitioner,

Civ. No. 09-567-CL

v.

RICK COURSEY,

ORDER

Respondent.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. I find no error. All but one of petitioner's claims were procedurally defaulted or did not raise issues of federal law. The remaining claim, that


the jury should have been told of the potential sentence, does not show a violation of federal law. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#24) is adopted. The Petition for Writ of Habeas Corpus (#2) is dismissed. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is denied. See 28 U.S.C. § 2253(2).

IT IS SO ORDERED.

DATED this 3 day of August, 2010.

A handwritten signature in cursive script, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE